

**REMARKS**

Claims 3, 5-9, 12, 14, 15, 18, 20, 21, 24, 26, 27, 32-36, and 41-45 are pending and under consideration. Claims 3, 6, 7, 12, 15, 18, 21, 24, and 27 are amended herein. Support for the amendments to the claims may be found in Figs. 5 and 6, and at page 9, lines 21, 22, and 23 and page 13, line 25, continuing at page 14, lines 1-7 of the specification. Claim 31 is cancelled herein without prejudice or disclaimer. Reconsideration is requested based on the foregoing amendments and the following remarks.

**Claim Rejections - 35 U.S.C. § 103:**

Claims 3, 5, 6, 7, 12, 14, 15, 18, 20, 21, 24, 26, 27, 32-34, 36 and 41-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stierle, *BricsNet Acquires Leading Online Provider of Building Industry*, Business Wire, Oct. 26, 1999, page 1 (pgs 1-3 as printed from Pro Quest) (hereinafter "Stierle") in view of Cunningham, *Built for Existing Users not the First-Timer*, Computing Canada, August 5, 1007, vol. 23, Iss. 16, pg. 28 (pages 1-3 as printed from ProQuest) (hereinafter "Cunningham"), Puttre, *CAD Vendors Wrap Engineers in World Wide Web*, Design News, Feb. 17, 1997, vol. 52, Iss. 4, pg 58, (pages 1-5 as printed from ProQuest) (hereinafter "Puttre"), and US Patent No. 5,642,286 to Yamada et al. (hereinafter "Yamada"). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

The fourth clauses of claims 3, 12, 18, and 24 recite:

Obtaining, together with the various CAD parts data provided by the server which are displayed on the Web browser in the client, URLs in which said various CAD parts data are published and information relating to said various CAD parts data as attributes of said various CAD parts data.

Neither Stierle, Cunningham, Puttre, nor Yamada teach, disclose, or suggest "obtaining, together with the various CAD parts data provided by the server which are displayed on the Web browser in the client, URLs in which said various CAD parts data are published and information relating to said various CAD parts data as attributes of said various CAD parts data," as recited in claims 3, 12, 18, and 24. The Office Action acknowledges this deficiency with respect to Stierle and Cunningham in the last full paragraph at page 4, and attempts to compensate for it by combining Stierle and Cunningham with Puttre. Puttre, however, is not "obtaining, together with the various CAD parts data provided by the server which are displayed on the Web browser in the client, URLs in which said various CAD parts data are published and information relating to said various CAD parts data as attributes of said various CAD parts data" either, and thus cannot

make up for the deficiencies of Stierle and Cunningham with respect to claims 3, 12, 18, and 24 in any case.

Puttre, rather, describes posting CAD images on the Internet. The flow of information in Puttre is, therefore, exactly opposite to that of the claimed invention. Puttre would thus have no interest in "obtaining, together with the various CAD parts data provided by the server which are displayed on the Web browser in the client, URLs in which said various CAD parts data are published and information relating to said various CAD parts data as attributes of said various CAD parts data," since the client is supposed to be posting CAD images to the Internet, not the other way around.

Furthermore, the "hot link" of Puttre appears to be a regular file link, not a URL. The hot link of Puttre, rather, associates the files of the computer with one another. Puttre is thus not "obtaining, together with the various CAD parts data provided by the server which are displayed on the Web browser in the client, URLs in which said various CAD parts data are published and information relating to said various CAD parts data as attributes of said various CAD parts data," since the hot link is not a URL.

The fifth clauses of claims 3, 12, 18, and 24 in particular, recite:

Displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format.

Neither Stierle, Cunningham, Puttre, nor Yamada teach, disclose, or suggest "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format," as recited in claims 3, 12, 18, and 24. The Office Action acknowledges this deficiency with respect to Stierle, Cunningham, and Puttre in the first full paragraph at page 5, and attempts to compensate for it by combining Stierle, Cunningham, and Puttre with Yamada. Yamada, however, is not "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format" either, and thus cannot make up for the deficiencies of Stierle, Cunningham, and Puttre with respect to claims 3, 12, 18, and 24 in any case.

Yamada, rather, discloses a wiring CAD apparatus. According to the wiring CAD apparatus of Yamada, the area in which wiring is possible, whether or not wiring is possible, and/or the position of obstructing factors when wiring is impossible, can be identified quickly (on a real-time basis) in the display section. The identification is based on the position of the wiring start point, by referring to the rubber band display extending from the position of the wiring start point to the position of the pointer. This allows operability to be improved, and the time required

to perform wiring design to be reduced. The claimed invention, on the other hand, recites clearly that what is displayed by the rubber band is "CAD parts data."

Yamada, in particular, is connecting *intervals* from the start point of the wiring pattern to the position of the pointer, and from the position of the pointer to the end point of the wiring pattern, with rubber bands, not "displaying said various CAD parts data." In particular, as described at column 9, lines 25-49:

According to a yet further aspect of the present invention, there is provided a wiring CAD apparatus, comprising a display section for displaying thereon a wiring design condition so as to allow wiring designing on a wiring design object to be performed interactively, a displaying control section for controlling the displaying condition of the display section, a position information calculation section operable upon wiring processing to newly add a wiring pattern to wiring design data displayed on the display section for calculating position information of a start point and an end point of the wiring pattern and position information of a pointer displayed on the display section to designate the position at which the wiring pattern is to be arranged, and a display data production section for producing, based on the position information of the start point and the end point of the wiring pattern and the position information of the pointer all calculated by the position information calculation section, display data of a rubber band by which an interval from the start point of the wiring pattern to the position of the pointer can be connected and another rubber band by which another interval from the position of the pointer to the end point of the wiring pattern can be connected, the display data produced by the display data production section being displayed on the display section under the control of the displaying control section.

Since Yamada is connecting intervals from the start point of the wiring pattern to the position of the pointer and from the position of the pointer to the end point of the wiring pattern with rubber bands, Yamada is not "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format," as recited in claims 3, 12, 18, and 24.

Moreover, in Yamada, the rubber band indicates the positional relationship between the pointer and the end point or the direction from the position of the pointer to the end point on the display section, not "said various CAD parts data." In particular, as described at column 9, lines 50-56:

With the wiring CAD apparatus, the designer can identify, by observing the display of a rubber band displayed in the interval from the position of the pointer to an end point of a wiring pattern upon wiring processing, the positional relationship between the pointer and the end point or the direction from the position of the pointer to the end point at a moment on the display section.

Since, in Yamada, the rubber band indicates the positional relationship between the pointer and the end point or the direction from the position of the pointer to the end point on the display

section, Yamada is not "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format," as recited in claims 3, 12, 18, and 24.

Moreover, in Yamada, the rubber band extends from the position of the deletion start point to the position of the pointer past the deletion end point candidate position, not "in the application of the client at the position of the mouse cursor." In particular, as described at column 10, lines 23-48:

According to a yet further aspect of the present invention, there is provided a wiring CAD apparatus, comprising a display section for displaying thereon a wiring design condition so as to allow wiring designing on a wiring design object to be performed interactively, a displaying control section for controlling the displaying condition of the display section, a position information calculation section operable upon deletion processing to delete part of wiring design data displayed on the display section for calculating position information of a deletion start point designated by a pointer displayed on the display section and position information of the pointer and calculating a position which is nearest to the position of the pointer on a deletion object network including the deletion start point as deletion end point candidate position information, and a display data production section for producing, based on the position information of the deletion start point, the position information of the pointer and the deletion end point candidate position information all calculated by the position information calculation section, display data of a rubber band which is to be displayed to extend from the position of the deletion start point to the position of the pointer past the deletion end point candidate position, the display data produced by the display data production section being displayed on the display section under the control of the displaying control section.

Since, in Yamada, the rubber band extends from the position of the deletion start point to the position of the pointer past the deletion end point candidate position, Yamada is not "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format," as recited in claims 3, 12, 18, and 24.

Moreover, in Yamada, the rubber band indicates a deletion end point candidate position on a deletion object network, not "said various CAD parts data." In particular, as described at column 10, lines 49-56:

With the wiring CAD apparatus, since the designer can identify, by observing the display of a rubber band upon deletion processing, a deletion end point candidate position on a deletion object network at a moment, the wiring CAD apparatus is advantageous in that improvement in operability and reduction in time for wiring designing can be achieved and besides an error in deletion can be prevented with certainty.

Since, in Yamada, the rubber band indicates a deletion end point candidate position on a

deletion object network, Yamada is not "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format," as recited in claims 3, 12, 18, and 24.

Moreover, in Yamada, the rubber band indicates a portion of the rubber band from a position of an obstructing factor to the position of the pointer in a visually distinguishable condition from another portion of the rubber band from the position of the wiring start point to the position of the obstructing factor when it is determined that it is impossible to wire a wiring line between the position of the wiring start point and the position of the pointer. In particular, as described at column 10, lines 57-67, continuing at column 11, lines 1-31:

According to a yet further aspect of the present invention, there is provided a wiring CAD apparatus, comprising a display section for displaying thereon a wiring design condition so as to allow wiring designing on a wiring design object to be performed interactively, a displaying control section for controlling the displaying condition of the display section, a position information calculation section operable upon wiring processing to newly add a wiring pattern to wiring design data displayed on the display section for calculating position information of a wiring start point designated by a pointer displayed on the display section and position information of the pointer, a wiring determination section for successively determining, based on the position information of the wiring start point and the position information of the pointer both calculated by the position information calculation section, whether or not it is possible to wire a wiring line between the position of the wiring start point and the position of the pointer, an obstructing factor searching section operable when it is determined by the wiring determination section that it is impossible to wire a wiring line between the position of the wiring start point and the position of the pointer for searching the position of an obstructing factor at which the wiring is disabled, and a display data production section for producing, based on the position information of the wiring start point and the position information of the pointer both calculated by the position information calculation section, display data of a rubber band by which an interval from the wiring start point to the position of the pointer can be connected and for producing, when it is determined by the wiring determination section that it is impossible to wire a wiring line between the position of the wiring start point and the position of the pointer, display data in accordance with which a portion of the rubber band from the position of the obstructing factor searched out by the obstructing factor searching section to the position of the pointer is to be displayed on the display section in a visually distinguishable condition from the other portion of the rubber band from the position of the wiring start point to the position of the obstructing factor, the display data produced by the display data production section being displayed on the display section under the control of the displaying control section.

Since, in Yamada, the rubber band indicates a portion of the rubber band from a position of an obstructing factor to the position of the pointer in a visually distinguishable condition from another portion of the rubber band from the position of the wiring start point to the position of the

obstructing factor when it is determined that it is impossible to wire a wiring line between the position of the wiring start point and the position of the pointer, Yamada is not "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format," as recited in claims 3, 12, 18, and 24.

Finally, in Yamada, the rubber band indicates an area from the position of the wiring start point in which wiring is possible, the possibility of wiring and/or the position of an obstructing factor when wiring is impossible, not "said various CAD parts data." In particular, as described at column 11, lines 32-41:

With the wiring CAD apparatus, by observing the display of a rubber band from a wiring start point to the pointer, the designer can identify an area from the position of the wiring start point in which wiring is possible, the possibility of wiring (whether or not wiring is possible) and/or the position of an obstructing factor when wiring is impossible, at a moment (on the real time basis) on the display section.

Since, in Yamada, the rubber band indicates an area from the position of the wiring start point in which wiring is possible, the possibility of wiring and/or the position of an obstructing factor when wiring is impossible, Yamada is not "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format," as recited in claims 3, 12, 18, and 24. Thus, even if Stierle, Cunningham, Puttre and Yamada were combined, the claimed invention would not result.

Furthermore, in order for Stierle, Cunningham, or Puttre to serve as anticipating references, they must enable that which it is asserted to anticipate. "A claimed invention cannot be anticipated by a prior art reference if the allegedly anticipatory disclosures cited as prior art are not enabled." Amgen, Inc. v. Hoechst Marion Roussel, Inc., 314 F.3d 1313, 1354, 65 USPQ2d 1385, 1416 (Fed. Cir. 2003). See Bristol-Myers Squibb v. Ben Venue Laboratories, Inc., 246 F.3d 1368, 1374, 58 USPQ2d 1508, 1512 (Fed. Cir. 2001) ("To anticipate the reference must also enable one of skill in the art to make and use the claimed invention."); PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566, 37 USPQ2d 1618, 1624 (Fed. Cir. 1996) ("To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter."). Elan Pharmaceuticals Inc. v. Mayo Foundation for Medical Education and Research, 68 USPQ2d 1373 (CA FC 2003):

Here, neither Stierle, Cunningham, nor Puttre, do anything more than recount results produced by others, with no enabling details at all. Hence, neither Stierle, Cunningham, nor Puttre can render claims 3, 12, 18, and 24 unpatentable, regardless of what they recount, since

they do not enable claims 3, 12, 18, and 24.

The sixth clauses of claims 3, 12, 18, and 24 recite substantially:

Adding the URLs automatically.

Neither Stierle, Cunningham, Puttre, nor Yamada teach, disclose, or suggest "adding the URLs automatically," as recited in claims 3, 12, 18, and 24.

The seventh clauses of claims 3, 12, 18, and 24 recite substantially:

Updating the URLs in which said various CAD parts data are published and the information relating to said various CAD parts data.

Neither Stierle, Cunningham, Puttre, nor Yamada teach, disclose, or suggest "updating the URLs in which said various CAD parts data are published and the information relating to said various CAD parts data," as recited in claims 3, 12, 18, and 24. Claims 3, 12, 18, and 24 are thus submitted to be allowable. Withdrawal of the rejection of claims 3, 12, 18, and 24 is earnestly solicited.

Claims 5, 6, 14, 15, 20, 21, 26, 27, 32-34, 36 and 41-45 depend from claims 3, 12, 18, or 24 and add further distinguishing elements. Claims 5, 6, 14, 15, 20, 21, 26, 27, 32-34, 36 and 41-45 are thus also submitted to be allowable, for at least those reasons discussed above with respect to the rejections of claims 3, 12, 18, and 24. Withdrawal of the rejection of claims 5, 6, 14, 15, 20, 21, 26, 27, 32-34, 36 and 41-45 is earnestly solicited.

Claims 8, 9, and 35:

Claims 8, 9, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stierle, Cunningham, Puttre, and Yamada in view of Smith, *Collaborate on the Web*, CADalyst, Feb. 1999, vol. 16, Iss. 2, pg 58, (pages 1-8 as printed from ProQuest) (hereinafter "Smith"). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 8, 9, and 35 depend from claim 3 and add further distinguishing elements. Neither Stierle, Cunningham, Puttre, nor Yamada teach, disclose, or suggest "obtaining, together with the various CAD parts data provided by the server which are displayed on the Web browser in the client, URLs in which said various CAD parts data are published and information relating to said various CAD parts data as attributes of said various CAD parts data," "displaying said various CAD parts data in the application of the client at the position of the mouse cursor in a rubber-banding format," "adding the URLs automatically," or "updating the URLs in which said

various CAD parts data are published and the information relating to said various CAD parts data," as discussed above with respect to the rejection of claim 3. Smith does not either, and thus cannot make up for the deficiencies of Stierle, Cunningham, Puttre, and Yamada with respect to claims 8, 9, and 35.

Smith, rather, describes a virtual work site where multiple users share and discuss designs, etc. All of the activity occurs on the virtual work site, with none occurring at the client. Smith would thus have no interest in "obtaining, together with the various CAD parts data provided by the server which are displayed on the Web browser in the client, URLs in which said various CAD parts data are published and information relating to said various CAD parts data as attributes of said various CAD parts data," since the client shouldn't be doing anything where the other team members can't see in any case.

Furthermore, in order for Smith to serve as an anticipating reference, Smith must enable that which it is asserted to anticipate, as discussed above. Here, Smith does nothing more than recount results produced by others, with no enabling details at all. Hence, Smith cannot render claims 8, 9, or 35 unpatentable, regardless of what they recount, since Smith does not enable claims 8, 9, or 35. Claims 8, 9, and 35 are thus also submitted to be allowable. Withdrawal of the rejection of claims 8, 9, and 35 is earnestly solicited..

#### **Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 3, 5-9, 12, 14, 15, 18, 20, 21, 24, 26, 27, 32-36, and 41-45 are allowable over the cited references. Allowance of claims 3, 5-9, 12, 14, 15, 18, 20, 21, 24, 26, 27, 32-36, and 41-45 and of this entire application is earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.



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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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